

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 25, 26, 33, 34, 36, 39, 45 and 46 are currently being amended.

No claims are currently being added.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 25-46 are pending in this application.

Claim Rejections – Prior Art:

In the final Office Action, claims 25-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,438,392 to Toba in view of U.S. Patent No. 6,125,264 to Watanabe et al. This rejection is traversed for at least the reasons given below.

In the “Response to Arguments” section of the final Office Action, it essentially asserts that in the previously-filed response, Applicant was arguing features that were not explicitly recited in the claims. In response, independent claim 1 now recites, among other things:

wherein, when the unanswered call that was initiated by one of the plurality of pre-registered calling parties was received while said foldable portable cellular phone was folded, one of the plurality of different sounds stored in the telephone directory memory that corresponds to the one of the plurality of pre-registered calling parties that initiated the unanswered call is output through operation of said key, whereby each of a plurality of different calling parties that respectively correspond to respective ones of the plurality of pre-registered calling parties may be identified by each of a plurality of different sounds being output in response to operation of said key

In particular, column 3, lines 16-21 of Watanabe et al. describes that a read-only memory (ROM) 22 and random access memory (RAM) 23 store a plurality of kinds of sound elements data, for generating an audible ringing signal. Column 3, lines 35-52 of Watanabe et al. describes that when a CPU 21 determines that there is an incoming call, the CPU issues a calling sound generating command signal to an audio signal processor 5, wherein sound elements data stored in the ROM 22 and data corresponding to a calling sound generating method stored in the RAM 23 are supplied to the audio signal processor 5, and whereby a calling sound is emanated from a speaker 8 of the cellular phone.

There is nothing in these portions of Watanabe et al. concerning the equating, by a called party, of calling parties with particular sounds, so that when a sound is made by the called party's cellular phone while the cellular phone is folded, the called party can determine who made that call to him/her, based solely on that sound.

Rather, Watanabe's system allows a called party to select a particular series of sounds to be emanated by his/her cellular phone, whereby that series of sounds may correspond to a popular-song, whereby there is no equating of a particular song with a particular calling party in the disclosure of Watanabe et al.

The combination of Toba and Watanabe et al. provides for a cellular phone that outputs a particular sound determined by the called party when the cellular phone of the called party is folded, whereby that particular sound is selected by the called party based on the called party's tastes. In other words, there is no teaching or suggestion in either Toba or Watanabe et al. as to a called party being able to select different sounds to correspond to different calling parties, such that when the called party's cellular phone is folded, the user can then determine who called him/her by selecting a button and hearing the sounds that emanate from the cellular phone that indicate who had called him/her (e.g., Mom, Dad, Sister, Boyfriend, Girlfriend).

Accordingly, independent claim 25 is patentable over the cited art of record.

Independent claims 33, 34 and 39 recite similar features to those discussed above with respect to claim 25, and thus those claims are also patentable over the cited art of record.

Furthermore, with respect to dependent claims 43 and 44, those claims recite:

m unanswered calls were received while said foldable portable cellular phone was folded, m being a positive integer greater than one, and upon operation of the keypad m consecutive times by the called party, a sound corresponding to a calling party of one of the m unanswered calls that was received by said foldable portable cellular phone prior to any of the other m-1 unanswered calls, is output through operation of said key.

The Office Action asserts that column 3, lines 53-57, column 5, lines 8-26, column 5, lines 34-56 and column 6, lines 1-21 of Watanabe teach these features. Applicant respectfully disagrees.

Namely, column 3, lines 53-57 of Watanabe merely describes that the user can operate the keys on a keyboard 25 to which sound elements data are arranged in order to create a particular ringing signal. Column 5, lines 8-25 of Watanabe describes that plural calling sounds may be stored in a telephone, whereby when an incoming call is received, a calling sound is output based on the caller that has made the incoming call. Column 5, lines 34-56 of Watanabe describes the setting of calling sounds to selected telephone numbers, which is something that is done during a ‘registration’ mode. Column 6, lines 1-21 of Watanabe describes the determination of a caller of an incoming call as being registered in the telephone set or not, and whereby a particular calling sound is generated if the caller is registered.

Thus, the operation of a button “m” consecutive times by the called party, in order to obtain a sound corresponding to a calling party of one of the “m” unanswered calls that was received by the foldable cellular phone prior to any of the other m-1 unanswered calls, is nowhere hinted at by the above-cited portions of Watanabe et al.

Therefore, claims 43 and 44 are patentable due to the specific features recited in those claims, beyond the reasons given above for their respective base claim.

Still further, with respect to the rejection of dependent claim 46, the final Office Action asserts that columns 6-7, lines 28-2 of Watanabe teach the features recited in that claim. Applicant respectfully disagrees. Namely, claim 46 recites a step of causing a vibration generator of the portable cellular phone to produce a particular vibration corresponding to the sender of the e-mail when there is a match. Columns 6, line 28 to column 7, line 2 of Watanabe merely describes that a pager emits a calling sound when the page receives a call signal transmitted from a base station. There is nothing in this portion of

Watanabe related to outputting a particular vibration that corresponds to the sender of the e-mail when there is a match. Claims 45 and 46 have been amended to make this distinction between the present invention and Watanabe even more explicit.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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